

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARCELLOUS L. WALKER,

Plaintiff,

v.

Case No. 18-C-612

LAVERNE WALLACE, et al.,

Defendants.

DECISION AND ORDER

On October 16, 2020, the parties filed a stipulation of dismissal with prejudice. The court dismissed the case with prejudice a few days later. On November 10, 2020, the parties filed a motion for relief of final judgment under Federal Rules of Civil Procedure 59(e) and 60(b)(1). They explain that the stipulation they previously filed incorrectly stated that the case may be dismissed with prejudice. They clarify that the parties agreed that only Laverne Wallace and Shelly Hill should be dismissed with prejudice. The stipulation did not apply to Sandra McArdle and Maxim Physician Resources. The claims against those defendants were dismissed on summary judgment, and Walker intends to appeal that decision.

The parties ask the court to relieve Walker from the judgment entered on October 19, 2020, and to enter judgment pursuant to their revised stipulation. The court will grant their motion.

IT IS THEREFORE ORDERED that the parties' motion for relief from judgment under Fed. R. Civ. Proc. 59(e) and 60(b) (Dkt. No. 179) is **GRANTED**.

IT IS FURTHER ORDERED that, pursuant to the parties' revised stipulation for dismissal with prejudice (Dkt. No. 180), this action is dismissed with prejudice as to defendants Laverne Wallace and Shelly Hill. No costs are awarded to either party.

IT IS FURTHER ORDERED that this is a final order, which concludes this case and marks the beginning of the time period in which Walker may appeal the court's summary judgment decision dismissing defendants Sandra McArdle and Maxim Physician Resources.

Dated at Green Bay, Wisconsin this 12th day of November, 2020.

s/ William C. Griesbach
William C. Griesbach
United States District Judge